

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 3/9/2020

JOHN L. HAYWARD,

Plaintiff,

18-CV-10402 (SN)

-against-

ORDER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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SARAH NETBURN, United States Magistrate Judge:

On March 6, 2020, the Commissioner requested leave to withdraw his motion to dismiss as an exercise of the agency's discretion and in light of Smith v. Berryhill, 139 S. Ct. 1765 (2019). That motion is GRANTED.

The Commissioner shall file and serve the Electronic Certified Administrative Record (e-CAR) and motion for judgment on the pleadings by April 20, 2020. Plaintiff's response is due by June 19, 2020. The Commissioner's reply is due by July 10, 2020.

The Clerk of Court is respectfully requested to terminate the motion at ECF No. 12 as withdrawn.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: New York, New York
March 9, 2020

cc: John L Hayward (*By Chambers*)
2284 Grand Avenue, Apt 2H
Bronx, NY 10468